



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 16, 2018


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:
STEVAN J. DAVILA AKA ESTEBAN
DAVILA AKA ESTEBAN J. DAVILA,
JR.
DEBTOR

TAYLOR BEAN & WHITAKER
MORTGAGE CORP, ITS SUCCESSORS
AND ASSIGNS,
MOVANT

VS.
STEVAN J. DAVILA AKA ESTEBAN
DAVILA AKA ESTEBAN J. DAVILA,
JR., DEBTOR AND JUDY DAVILA CO-
DEBTOR AND TIM TRUMAN,
TRUSTEE,
RESPONDENTS

§ **CASE NO. 15-42665-rfn13**
§
§ **CHAPTER 13**
§
§ **MOTION FOR RELIEF**
§ **HEARING DATE:**
§ **MARCH 21, 2018**
§ **9:30 A.M.**
§
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AGREED ORDER CONDITIONALLY MODIFYING AUTOMATIC STAY AND
CO-DEBTOR STAY
AGAINST PROPERTY AS TO 113 DAFFODIL CT, WEATHERFORD, TX 76086
(53 and 54)

CAME ON before the Court for consideration the Motion for Relief From Automatic Stay

and Co-Debtor Stay filed by **TAYLOR BEAN & WHITAKER MORTGAGE CORP, ITS SUCCESSORS AND ASSIGNS**, (“Movant”), and the responses filed by the Debtor. The Court finds that the parties have reached an agreement conditionally modifying the Automatic Stay of 11 U.S.C. §362 (“Automatic Stay”) and Co-Debtor Stay of 11 U.S.C. §1301 (“Co-Debtor Stay”), it is accordingly:

ORDERED that the Automatic Stay and the Co-Debtor Stay shall remain in effect, except as modified herein. It is further

ORDERED that pursuant to the terms of that one certain Note executed by Debtor in favor of Movant, secured by a Deed of Trust encumbering the real property more fully described hereinafter, each monthly installment that falls due beginning the **first day of April 2018** and after will be paid direct to the Movant. These installments are currently **\$1,162.37** per month. It is further

ORDERED that Debtor shall pay direct to Movant a payment in the amount of **\$231.52** within thirty (30) days following entry of this order to pay the balance of the attorney fees and costs associated with this said action. Said funds shall be applied as follows.

Attorney Fees: \$181.00
Attorney Costs: \$519.00
Suspense: (\$468.48)
Total Post- Petition Arrearages: \$231.52

ORDERED that the above referenced mortgage installments and additional payments to bring arrearages current shall be made to the mortgage company at the following address:

RoundPoint Mortgage Servicing Corporation
Attn: Bankruptcy Department
5016 Parkway Plaza Blvd., Suite 200
Charlotte, NC 28217

It is further **ORDERED** that Debtor shall provide to Movant, within thirty (30) days

following entry of this order, proof of payments made to Movant, but not credited to Debtor's account. In the event Debtor should provide such proof, Movant shall adjust its records accordingly. It is further

ORDERED that Debtor shall make all Trustee payments according to the Plan, and keep all trustee payments current. It is further

ORDERED that if Debtor becomes delinquent with payments to the Chapter 13 trustee for a period that exceeds thirty-one (31) days, such delinquency shall constitute a default and a notice shall be issued pursuant to this Order. It is further

ORDERED that if Debtor defaults on any of the terms of this Order, Movant shall mail notice of the default to Debtor by certified mail, return receipt requested, and by regular mail. Unless Debtor cures the default within ten (10) days of the date Movant mails the notice, the Automatic Stay shall be and is hereby ordered terminated with respect to Movant, its assignees and/or successors in interest. Movant shall send Notice of Default to Debtor on two (2) separate occasions only. Upon the third default by the Debtor to comply with the terms herein, the Automatic Stay shall be ordered terminated with respect to Movant without further notice to Debtor. If Debtor defaults under the terms of this Order, and the automatic stay is terminated, Movant, and its assignees and/or successors in interest shall be excepted from the Automatic Stay, and is authorized to enforce its lien and to pursue its statutory and contractual remedies to gain possession of the following described real property:

SURFACE ESTATE ONLY IN AND TO LOT 40, BLOCK 1, SPRING GARDEN COMMONS, PHASE THREE, AN ADDITION TO PARKER COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT CABINET B, SLIDE 709, PLAT RECORDS, PARKER COUNTY, TEXAS.

**Also known as:
113 DAFFODIL CT
WEATHERFORD, TX 76086**

It is further **ORDERED** that in the event this case is converted to another Chapter of the Bankruptcy Code, the automatic stay shall terminate without further notice except to the extent the property described above is non-exempt property, and any and all arrearages owed to Movant by Debtor shall become due and payable immediately. It is further

ORDERED that, upon final default, Movant shall notify the Court, Debtor, Attorney for the Debtor and the Chapter 13 Trustee that the Automatic Stay has been terminated. It is further

ORDERED that in the event this case is dismissed and not reinstated, the agreements reached between the parties in this order are cancelled, of no further effect, and neither party shall be bound by the agreements made herein. It is further

ORDERED that upon termination of stay, the fourteen day provision of Rule 4001(a)(3) is waived and Movant, its successors and assigns may immediately enforce and implement this Order upon termination of the Stay. It is further

ORDERED that upon termination of the stay, all communications including but not limited to, notices required by state law, sent by Movant in connection with proceeding against the property may be sent directly to the Debtor. It is further

ORDERED that upon termination of stay, Movant shall be exempt from further compliance with FRBP 3002.1 and Local Bankruptcy Rule 3002-2 in this case. It is further

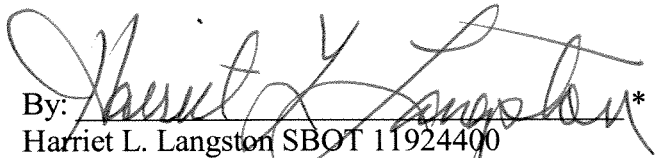
ORDERED that any of the above events that effectuate or result in termination of the Automatic Stay also immediately terminates the Co-Debtor Stay without further order of this Court.

END OF ORDER

* The signature of Movant's counsel shown below is an affirmative representation to the Court that Movant has complied with Bankruptcy Rule Number 4001.

APPROVED AS TO FORM AND ENTRY REQUESTED:

Codilis & Stawiarski, P.C.

By: *

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ATTORNEYS FOR MOVANT

BEHROOZ P. VIDA

3000 CENTRAL DRIVE

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44-09-3295

XXXXX8388

DAVILA, STEVAN J.

Conventional

APPROVED AS TO FORM AND ENTRY REQUESTED:
Codilis & Stawiarski, P.C.

By: _____ *

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